

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 WILLIAM MARTENIES,

4 Plaintiff

5 v.

6 KILOLO KIJAKAZI,
7 Acting Commissioner of
8 Social Security,

8 Defendant

Case No.: 3:22-cv-00222-MMD-CSD

**Report & Recommendation of
United States Magistrate Judge**

9 This Report and Recommendation is made to the Honorable Miranda M. Du, Chief
10 United States District Judge. The action was referred to the undersigned Magistrate Judge
11 pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

12 Plaintiff, appearing *pro se*, filed an application to proceed *in forma pauperis* (IFP) and
13 complaint seeking review of the final decision of the Social Security Administration concerning
14 his request for benefits. (ECF Nos. 1, 1-1.) The court granted the IFP application and allowed the
15 complaint to proceed. (ECF No. 5.) On August 8, 2022, the court issued an order that Plaintiff
16 file a motion for reversal and/or remand. (ECF No. 18.) Plaintiff did not timely file a motion for
17 reversal and/or remand. On October 14, 2022, the court gave Plaintiff an additional 30 days, until
18 November 14, 2022, to file his motion for reversal and/or remand. Plaintiff was cautioned that a
19 failure to comply with the order may result in dismissal of this action. (ECF No. 19.) Plaintiff did
20 not timely file a motion for reversal and/or remand. The court has had no other contact from
21 Plaintiff. Therefore, it is recommended that this action be dismissed without prejudice.
22
23

RECOMMENDATION

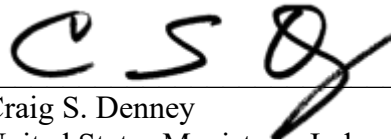
IT IS HEREBY RECOMMENDED that the District Judge enter an order **DISMISSING** this action **WITHOUT PREJUDICE**.

The parties should be aware of the following:

1. That they may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to this Report and Recommendation within fourteen days of being served with a copy of the Report and Recommendation. These objections should be titled “Objections to Magistrate Judge’s Report and Recommendation” and should be accompanied by points and authorities for consideration by the district judge.

2. That this Report and Recommendation is not an appealable order and that any notice of appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed until entry of judgment by the district court.

Dated: February 1, 2023


Craig S. Denney
United States Magistrate Judge